

REMARKS

Claims 1-29 are pending in this application.

Claim 6 has been canceled without prejudice, claims 1, 3, 8, 13, 25 and 26 have been amended and new claim 30 has been added by the present Amendment. Amended claims 1, 3, 8, 13, 25 and 26 and new claim 30 do not introduce any new subject matter.

AMENDMENTS TO CORRECT TYPOGRAPHICAL ERRORS

In reviewing the specification and the claims, Applicant noticed some inadvertent typographical errors, which Applicant has attended to correcting with the above amendments to the specification and claim 3. No new matter is added by the amendments.

DRAWING CHANGES

In reviewing the specification, Applicant found that Fig. 1 lacks reference numerals "100", "140" and "160". Accordingly, Applicant proposes to amend Fig. 1 by adding reference numerals --100--; --140--; and --160--. See page 13, lines 18, 20 and 21 as amended and page 21, lines 15-16.

In accordance with 37 C.F.R. § 1.84, Applicant files herewith a replacement drawing sheet for amended Fig. 1, which has been labeled "Replacement Sheet".

OBJECTION TO CLAIM 8

The Examiner has objected to claim 8 because claim 8 recites dependency to claim 6 and claims "said browser" even though a "browser" is not introduced in claims 1 or 6. The Examiner notes that "[i]t appears that Applicant intended claim 8 to depend from claim 7, which recites a "web browser".

Applicant agrees with the Examiner and has amended claim 8 to depend from claim 7. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to claim 8.

REJECTIONS UNDER 35 U.S.C. § 102

Reconsideration is respectfully requested of the rejection of claims 1-3, 11, 14-16, 19, 21-22 and 24-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,522,368 ("Tuccinardi").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. § 2131.

Applicant respectfully submits and the Examiner has stated that Tuccinardi does not disclose or suggest a processor adapted to execute applications associated with a console, and an operating system adapted to manage the applications associated with the console, as recited in amended claim 1 and a web browser adapted to interact with one of the Internet and the World Wide Web, as recited in amended claim 25. See November 18, 2004 Office Action at p. 7, 14.

Therefore, Applicant respectfully submits that claims 1 and 25 are not anticipated by Tuccinardi. In addition, for at least the reason that claims 2-3, 11, 14-16, 19, 21-22 and 24 depend from claim 1, claims 2-3, 11, 14-16, 19, 21-22 and 24 are also not anticipated by the cited reference.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 11, 14-16, 19, 21-22 and 24-25 under 35 U.S.C. § 102(e) and that claims 1-3, 11, 14-16, 19, 21-22 and 24-25 are in condition for allowance.

REJECTIONS UNDER 35 U.S.C. § 103(a)

I. REJECTION OF CLAIM 6

Reconsideration is respectfully requested of the rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi in view of U.S. Patent No. 6,202,008 ("Beckert").

Applicant notes that claim 6 has been canceled and the limitations thereof have been incorporated into claim 1. Therefore, Applicant maintains that claim 1, as amended, is patentable over Tuccinardi in view of Beckert.

A. There Is No Suggestion To Combine Or Modify Tuccinardi With The Teachings Of Beckert To Include A Processor And Operating System

1. *The divergent teachings of Tuccinardi and Beckert do not provide proper motivation or suggestion for the proposed combination*

Applicant respectfully submits that the proposed modification to Tuccinardi to include a processor and operating system from Beckert is inconsistent with Tuccinardi's stated objectives.

Tuccinardi is concerned with a vehicle video system that provides a simple method of installation and is easily portable. Col. 1, lines 23-27 and 47-48. Tuccinardi aims to provide a video system that avoids wired connections and cables so that the video system "can be moved between different vehicles or moved outside the vehicle". Col. 5, lines 35-44. Indeed, the wireless transmitter in Tuccinardi is designed for use with a "variety of audio/video signal sources" to facilitate movement between vehicles.

Col. 4, lines 57-60.

In contrast, the processors and operating system in Beckert are part of a complex vehicle computer system, requiring numerous components to be pre-installed and interconnected in a vehicle. Unlike the simple single-dimensional system of Tuccinardi, Beckert, at the sacrifice of portability, aims to provide a comprehensive multi-function computer system. As a result, the Beckert system cannot be easily moved between vehicles and more than likely requires professional installation of its components and interconnections.

For example, the computer 22 of Beckert is a large unit requiring mounting in a dashboard and consists of three-modules operatively connected to each other using a multi-bit bus and a high-speed serial interface. Col. 5, lines 21-32. One of the modules (support module 62) includes several hardware interfaces to provide interconnections with multiple USB peripherals within the vehicle such as navigation and security systems, which interact with applications in the computer module 64 via the multi-bit bus. Col. 5, line 48 – col. 6, line 11; Figs. 2-3.

Indeed, the processors and operating systems of Beckert are part of an involved system which requires a hard drive and other memory devices to store the operating system and the applications executed thereon. Col. 6, line 59 – col. 7, line 8. Such a system is not easily incorporated into a vehicle and is not readily moved to another location.

Based on the clear differences between Tuccinardi and Beckert, there is no motivation to modify Tuccinardi to incorporate the processor or operating system of Beckert. The Examiner reasons that it would have been obvious to modify Tuccinardi to

incorporate a processor and an operating system for the benefit of providing a computing platform to support multiple different applications. November 18, 2004 Office Action at 7-8. However, Tuccinardi's objective of providing an unencumbered video system completely belies the Examiner's rationale for combining the references. Indeed, there is no motivation to complicate the simple and easily moveable structure of Tuccinardi with complex components requiring multiple interconnections and involved vehicle installation.

Therefore, the proposed modification to Tuccinardi to include a processor and operating system from Beckert is inconsistent with Tuccinardi's stated objectives. Accordingly, there is no motivation or suggestion for same.

2. *The proposed modification to Tuccinardi would render Tuccinardi unsatisfactory for its intended purpose*

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); see MPEP § 2143.01.

For the reasons stated above, Applicant respectfully submits that modifying Tuccinardi to include the processor and operating system of Beckert would prevent the system of Tuccinardi from being easily installed and easily moveable between vehicles. Accordingly, such modification would render Tuccinardi unsatisfactory for its intended purpose of providing an unencumbered video system.

Therefore, for at least the above reasons, there is no suggestion or motivation to modify Tuccinardi to include the processor and operating system of Beckert. As such Applicant maintains that claim 1, which incorporates the limitations of canceled claim 6,

is patentable over Tuccinardi in view of Beckert and is in condition for allowance.

II. REJECTION OF CLAIMS 4 And 9

Reconsideration is respectfully requested of the rejection of claims 4 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi in view of Beckert and further in view of U.S. Patent No. 6,782,245 ("Lazzarotto").

A. Claims 4 And 9 Are Patentable Over The Cited References
At Least By Virtue Of Their Dependency On Claim 1

As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claims 4 and 9 depend from claim 1, claims 4 and 9 are also submitted to be patentable and in condition for allowance.

B. There Is No Suggestion To Combine Or Modify Tuccinardi
With The Teachings Of Beckert And Lazzarotto To Include
The Wireless Joystick, Keyboard and Mouse

Incorporating similar rationale to the reasons for modifying Tuccinardi to include the processor and operating system of Beckert, the Examiner reasons that it would have been obvious to modify Tuccinardi to incorporate a joystick, a mouse and a keyboard for the benefit of an enhanced vehicle information system providing both multimedia entertainment and computer functionality. November 18, 2004 Office Action at 8, 11. However, Tuccinardi's objective of providing an unencumbered video system completely belies the Examiner's rationale for combining the references. Indeed, there is no motivation to complicate the simple and easily moveable structure of Tuccinardi with computer functionality requiring multiple interconnections and involved vehicle installation.

Therefore, the proposed modification to Tuccinardi to include input devices for

computer functionality from Beckert is inconsistent with Tuccinardi's stated objectives. Accordingly, there is no motivation or suggestion for same.

In addition, Lazzarotto, like Beckert, relates to highly functional computer systems and is inconsistent with the teachings of Tuccinardi. Further, Lazzarotto is not even concerned with vehicle entertainment systems. Therefore, the addition of Lazzarotto does not provide the required suggestion or motivation for the proposed combination.

C. Examiner's Reliance On Official Notice Is Improper To Support A Finding That A Vehicle Console With A Detachable Controller Is Obvious

The Examiner takes Official Notice that the concept and advantages of providing vehicle consoles with detachable controllers (*i.e.*, wireless joysticks, mice and keyboards) are well-known and expected in the art. November 18, 2004 Office Action at 9, 12.

Applicant respectfully submits that Examiner's reliance on Official Notice is improper. It is not appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well-known are not capable of instant and unquestionable demonstration as being well-known. In re Ahlert, 424 F.2d 1088, 1091 (CCPA 1970); M.P.E.P. § 2144.03. Further, if an applicant adequately traverses the Examiner's assertion of Official Notice, the Examiner must provide documentary evidence in the next Office Action if the rejection is to be maintained. See 37 C.F.R. § 1.104(c)(2); M.P.E.P. § 2144.03.

Applicant respectfully submits that that the concept and advantages of providing vehicle consoles with wireless joysticks, mice and keyboards was not well-known and expected in the art at the time of Applicant's invention. The use of wireless devices in

an airplane is extremely limited due to interference problems. Further, Applicant respectfully submits that the use of a telephone from an airplane seat back does not render obvious the use of wireless joysticks, mice or keyboards which are detachable from a vehicle console. Therefore, at the very least, the use of such components is not capable of instant and unquestionable demonstration.

Accordingly, Applicant respectfully requests documentary evidence supporting the Examiner's determination of Official Notice.

Therefore, for at least the above reasons, Applicant maintains that claims 4 and 9 are patentable over Tuccinardi in view of Beckert and further in view of Lazzarotto and are in condition for allowance. As such, Applicant respectfully requests that the Examiner withdraw the rejection of claims 4 and 9 under 35 U.S.C. § 103(a).

III. REJECTION OF CLAIM 5

Reconsideration is respectfully requested of the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi in view of U.S. Patent No. 6,256,317 ("Holloway").

A. Claim 5 Is Patentable Over The Cited References At Least By Virtue Of Its Dependency On Claim 1

As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claim 5 depends from claim 1, claim 5 is also submitted to be patentable and in condition for allowance.

B. There Is No Suggestion To Combine Or Modify Tuccinardi With The Teachings Of Holloway To Incorporate Wireless Signals Transmitted Through A Packet-Switched Wireless Network

Applicant respectfully submits that the use of a packet-switched network in Tuccinardi is contrary to the principle of operation of Tuccinardi. Accordingly, there is

no suggestion for same.

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, such that the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference", then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (CCPA 1959); see MPEP § 2143.01.

Tuccinardi states that the wireless receiver is a multi-channel receiver capable of receiving audio/video signals from four different remote transmitters, wherein a user can switch between different audio/video signal sources by using a source control on the video display. Col. 5, lines 1-10. In contrast, as stated in Holloway, packet switching relates to several stations transmitting over a shared channel. The disclosure in Holloway relates to the problem of collision resolution, which is an important issue when addressing transmission over a shared channel, not multiple channels.

Accordingly, the receiver of the Tuccinardi system would require substantial reconstruction redesign to operate with packet-switching and receive transmission from multiple audio/video sources over a single channel. Therefore, the proposed modification of Tuccinardi would change its principle operation.

Further, the use of packet-switching is not necessary in the Tuccinardi system since multiple channels are used to avoid interference and provide different levels of access.

Hence, there is no motivation or suggestion to modify Tuccinardi with the teaches of Holloway to make use of packet-switching.

Therefore, for at least the above reasons, Applicant maintains that claim 5 is patentable over Tuccinardi in view of Holloway and is in condition for allowance. As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 5 under 35 U.S.C. § 103(a).

IV. REJECTION OF CLAIMS 7-8, 10, 12, 18 AND 26-29

Reconsideration is respectfully requested of the rejection of claims 7-8, 10, 12, 18, and 26-29 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi in view of U.S. Patent No. 6,526,335 ("Treyz").¹

A. Claims 7-8, 10, 12 And 26

1. Claims 7-8, 10 and 12 are patentable over the cited references at least by virtue of their dependency on claim 1

As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claims 7-8, 10 and 12 depend from claim 1, claims 7-8, 10 and 12 are also submitted to be patentable and in condition for allowance.

2. There is no suggestion to combine or modify Tuccinardi with the teachings of Treyz to include the elements of claims 7-8, 10, 12 and 26

- a. The divergent teachings of Tuccinardi and Treyz do not provide proper motivation or suggestion for the proposed combination

Applicant respectfully submits that combining Tuccinardi with Treyz to render obvious a vehicle console having a web browser, voice recognition and text to speech capabilities and the ability to send and receive wireless signals from an input source

¹ Applicant notes that the limitations of claim 7 have been incorporated into claim 25. Accordingly, Applicant submits that the arguments for patentability of the subject matter of claim 7 also apply to arguments for patentability of claim 25.

that is part of an external network is inconsistent with Tuccinardi's stated objectives.

As stated above in connection with Beckert, Tuccinardi aims to provide an unencumbered video system that avoids wired connections and cables so that the video system "can be moved between different vehicles or moved outside the vehicle". Col. 5, lines 35-44.

In contrast, like Beckert, Treyz, at the sacrifice of portability, aims to provide a comprehensive multi-function computer system, which cannot be easily moved between vehicles and more than likely requires professional installation of its components and interconnections.

For example, Treyz teaches permanent mounting of a computer system in a vehicle dashboard, in a housing between passengers, near the vehicle's roofline or in a trunk. Col. 13, lines 12-36. As shown in Fig. 3, the automobile computer 14 of Treyz is a complicated system, including numerous peripherals, processor(s) and storage devices, which is not easily installed and is not readily moved between vehicles.

The ability to communicate with external networks and the web browsing, voice recognition and voice synthesis capabilities discussed in Treyz require the support of Treyz's memory, processors and circuitry to run their required applications. Col. 13, lines 37-51. For example, Treyz states that the automobile computer performs such tasks as translating audio and video data into compatible formats and supporting a number of different protocols. Col. 58, lines 24-46; Fig. 69.

Therefore, in contrast to the Examiner's assertions, one of ordinary skill in the art would not seek to modify the basic system in Tuccinardi with the capabilities discussed in Treyz. Such modification would eliminate the touted benefits of the Tuccinardi by

enlarging the system such that portability is defeated and installation is difficult.

Based on the clear differences between Tuccinardi and Treyz, there is no motivation to modify Tuccinardi to incorporate the features of Treyz. The Examiner reasons that it would have been obvious to modify Tuccinardi to incorporate such features for the benefit of providing an information display system, interaction with a vehicle information system and easy access to textual information such as e-mail. November 18, 2004 Office Action at 15-17. However, Tuccinardi's objective of providing an unencumbered video system undercuts the Examiner's rationale for combining the references. All of the benefits set forth by the Examiner are additional features which take away from the simple and easily moveable structure of Tuccinardi by requiring multiple interconnections and involved vehicle installation.

Therefore, the modifications to Tuccinardi to include the enhanced communication and voice processing capabilities from Treyz are inconsistent with Tuccinardi's stated objectives. Accordingly, there is no motivation or suggestion for same.

*b. The proposed modifications to Tuccinardi would
 render Tuccinardi unsatisfactory for its intended purpose*

As stated above, there is no suggestion or motivation to make a proposed modification if it would render the prior art invention being modified unsatisfactory for its intended purpose. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); see MPEP § 2143.01.

For the reasons stated above, Applicant respectfully submits that modifying Tuccinardi to include the capabilities of Treyz would prevent the system of Tuccinardi from being easily installed and easily moveable between vehicles. Accordingly, such

modifications would render Tuccinardi unsatisfactory for its intended purpose of providing an unencumbered video system.

Therefore, for at least the above reasons, there is no suggestion or motivation to modify Tuccinardi to include the enhanced communication and voice processing capabilities from Treyz. As such Applicant maintains that claims 7-8, 10, 12 and 26 as amended are patentable over Tuccinardi in view of Treyz and are in condition for allowance. Further claim 25, which incorporates the limitations of claim 7, is patentable over Tuccinardi in view of Treyz and is in condition for allowance.

As such, Applicant requests that the Examiner withdraw the rejection of claims 7-8, 10, 12 and 26 under 35 U.S.C. § 103(a).

B. Claim 18

Claim 18 is patentable over the cited references at least by virtue of its dependency on claim 1. As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claim 18 depends from claim 1, claim 18 is also submitted to be patentable and in condition for allowance.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 18 under 35 U.S.C. § 103(a).

C. Claims 27-29

Applicant respectfully submits that Tuccinardi and Treyz, when taken alone or in combination, fail to teach or suggest a wireless transmitter adapted to transmit wireless control signals to a wireless receiver, wherein the wireless control signals are for configuring at least one of controls and applications on the display device, as

recited in claim 27.

As admitted by the Examiner, Tuccinardi does not disclose a wireless transmitter for transmitting a wireless control signal to the wireless receiver. November 18, 2004 Office Action at 20. The Examiner instead relies on Treyz to cure the deficiency in Tuccinardi, stating that Treyz "teaches a wireless in-car remote control (i.e., wireless transmitter) which transmits wireless control signals to a wireless receiver in an automobile computer system". Id.

Applicant respectfully submits that the remote control of Treyz is different from, and, therefore, does not render obvious the wireless transmitter recited in claim 27.

The wireless transmitter recited in claim 27 transmits wireless control signals which configure controls or applications on the display device. For example, the wireless transmitter 199 transmits control configuration signals to the wireless receiver 102 for display on the display device 104. The display device 104, in turn, displays control modules (e.g., the keypad of a cellular telephone or controls for selecting radio channels), which are selected via, for example, touch screen controls displayed on the display device. See, e.g., page 24, line 18 to page 25, line 7.

Unlike the embodiment recited in claim 27, the remote control in Treyz is sending commands for controlling functions, such as volume on a radio station. See, e.g., col. 23, line 66 to col. 24, line 6. In contrast, the wireless transmitter recited in claim 27 configures the controls on the display device so that control of the functions is not being transmitted from the transmitter, but is instead performed by interacting with the display device via an appropriate input mechanism, such as touch screen.

Therefore, it is respectfully submitted that the cited references, when taken alone

or in combination, do not disclose or suggest the recited features of claim 27. Accordingly, it would not have been obvious to modify Tuccinardi in view of Treyz to develop the embodiment recited in claim 27.

As such, Applicant respectfully submits that claim 27 is patentable over Tuccinardi in view of Treyz at least because Treyz does not disclose a wireless transmitter for transmitting signals which configure controls or applications on a display device.

For at least the reason that claims 28-29 depend from claim 27, claims 28-29 are also submitted to be patentably distinct over the cited references.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of claims 27-29 under 35 U.S.C. § 103(a) and that claims 27-29 are in condition for allowance.

V. REJECTION OF CLAIM 13

Reconsideration is respectfully requested of the rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi in view of U.S. Patent No. 6,424,369 ("Adair").

Claim 13 is patentable over the cited references at least by virtue of its dependency on claim 1. As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claim 13 depends from claim 1, claim 13 is also submitted to be patentable and in condition for allowance.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 13 under 35 U.S.C. § 103(a).

VI. REJECTION OF CLAIM 17

Reconsideration is respectfully requested of the rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi in view of U.S. Patent No. 6,414,664 ("Conover").

Claim 17 is patentable over the cited references at least by virtue of its dependency on claim 1. As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claim 17 depends from claim 1, claim 17 is also submitted to be patentable and in condition for allowance.

As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 17 under 35 U.S.C. § 103(a).

VII. REJECTION OF CLAIM 20

Reconsideration is respectfully requested of the rejection of claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Tuccinardi.

A. Claim 20 Is Patentable Over The Cited References At Least By Virtue Of Its Dependency On Claim 1

As stated above, claim 1 is submitted to be patentable over Tuccinardi in view of Beckert and in condition for allowance. For at least the reason that claim 20 depends from claim 1, claim 20 is also submitted to be patentable and in condition for allowance.

B. A Wireless Receiver External To The Display Device Is Contrary To The Objective Of Tuccinardi And Is Not An Obvious Modification

As stated above, Tuccinardi aims to provide a video system which is easily moved between vehicles so that the system can be used in a variety of settings.

Further, Tuccinardi is designed to have "several wireless features so numerous connections and cables do not need to be hooked and/or unhooked when moving the video display 10 in and out of a vehicle". Col. 5, lines 41-44. Therefore, Tuccinardi uses a wireless receiver that is in the video display 10. Col. 5, line 1.

In contrast, a wireless receiver external to the video display 10 creates more connections that require hooking and unhooking and, thereby, defeats the portability of the device. Therefore, in view of the teaching in Tuccinardi, it would not be an obvious modification to provide a wireless receiver external to the display. Indeed, Tuccinardi teaches away from such a configuration.

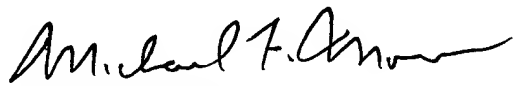
Therefore, for at least the above reasons, Applicant maintains that claim 20 is patentable over Tuccinardi and is in condition for allowance. As such, Applicant respectfully requests that the Examiner withdraw the rejection of claim 20 under 35 U.S.C. § 103(a).

NEW CLAIM 30

Applicant respectfully submits new claim 30 for consideration and that new claim 30 is patentable over the cited references for at least the reason that the cited references do not disclose a smart phone for sending media to a console for display via a wireless signal, as recited in new claim 30.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", written over a horizontal line.

Michael F. Morano
Reg. No. 44,952
Attorney for Applicant

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
(516) 692-8888